

APPEAL NO. 020843  
FILED MAY 13, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on March 13, 2002. The hearing officer resolved the disputed issues before him by determining that the appellant (claimant) sustained a compensable injury in the form of a thoracic strain on \_\_\_\_\_; that the claimant's compensable injury of \_\_\_\_\_, does not extend to include a herniated nucleus pulposus at L3-4; and that the claimant had disability beginning September 10, 2001, and continuing through October 8, 2001, and at no time thereafter through the date of the hearing. The claimant appealed the hearing officer's determinations as to extent of injury and the period of disability on sufficiency grounds. The respondent (self-insured) responded, urging affirmance.

DECISION

Affirmed.

Conflicting evidence was presented on the issues of extent of injury and disability in this case. The 1989 Act makes the hearing officer the sole judge of the weight and credibility to be given to the evidence. Section 410.165(a). As the trier of fact, the hearing officer may believe all, part, or none of the testimony of any witness. Texas Workers' Compensation Commission Appeal No. 950084, decided February 28, 1995. A fact finder is not bound by the testimony (or evidence) of a medical witness where the credibility of that testimony (or evidence) is manifestly dependent upon the credibility of the information imparted to the medical witness by the claimant. Rowland v. Standard Fire Insurance Company, 489 S.W.2d 151 (Tex. Civ. App.-Houston [14th Dist.] 1972, writ ref'd n.r.e.). When reviewing a hearing officer's decision to determine the factual sufficiency of the evidence, we should set aside the decision only if it is so contrary to the overwhelming weight of the evidence as to be clearly wrong and unjust. Appeal No. 950084, *supra*. We conclude that the hearing officer's findings, conclusions, and decision are supported by sufficient evidence and that they are not so contrary to the overwhelming weight of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**GH  
(ADDRESS)  
(CITY), TEXAS (ZIP CODE).**

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Daniel R. Barry  
Appeals Judge

CONCUR:

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Susan M. Kelley  
Appeals Judge

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Michael B. McShane  
Appeals Judge